

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

MDL No. 2419
Master Dkt. 1:13-md-02419-RWZ

**PLAINTIFFS' STEERING COMMITTEE'S MOTION FOR LEAVE TO FILE REPLY
TO JOINT OBJECTION OF THE CREDITORS' COMMITTEE AND MEMBER
REPRESENTATIVES REGARDING 8% HOLDBACK ORDER [ECF NO. 1279]**

On July 18, 2014, the Plaintiffs' Steering Committee ("PSC") submitted its Jointly Proposed Order Granting Motion for Entry of Case Management Order Establishing Assessment Procedures to Fund Common Benefit Account [ECF No. 790].¹ The Chapter 11 Trustee approved the attached form of order.

On July 21, 2014, six disgruntled attorneys for members of the Creditors' Committee filed a seven-page objection, attaching a competing proposed order and four other exhibits.² The competing proposed order proposes language that contradicts MDL Order No. 3, gives Creditors' Committee members' attorneys carte blanche approval for an unstated amount of time spent on unstated efforts with unstated results, and accomplishes an end run around the Bankruptcy Code and the U.S. Trustee's admonition that attorneys for members of the Creditors' Committee *qua* attorneys for members of the Creditors' Committee are not entitled to payment of their

¹ Plaintiffs' Steering Committee's Notice of Filing of Jointly Proposed Order Granting Motion for Entry of Case Management Order Establishing Assessment Procedures to Fund Common Benefit Account [ECF No. 790], [ECF No. 1274].

² Joint Objection Of The Official Committee Of Unsecured Creditors And Its Member Representatives To Notice Of Filing Purported "Jointly" Proposed Order Granting Motion For Entry Of Case Management Order Establishing Assessment Procedures To Fund Common Benefit Account [Ecf No. 790] And Notice Of Filing Of Proposed Form Of Counter-Order, [ECF No. 1279].

professional fees.

The PSC respectfully moves, in accordance with L.R. 7.1(b)(3), for leave to file the attached five-and-a-half-page reply. A copy of the proposed reply is attached hereto as Exhibit A.

Dated: July 24, 2014

Respectfully submitted,

/s/ Thomas M. Sobol

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 24, 2014, a true and exact copy of the foregoing was filed with this the Clerk of the Court using the ECF system that sent a notification of this filing to all ECF registered counsel of record via e-mail generated by the Court's ECF system.

/s/ Thomas M. Sobol
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